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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/487,274	01/19/2000	Kristinn R. Rzepkowski	104425	2964

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EXAMINER

BAUTISTA, XIOMARA L

ART UNIT PAPER NUMBER

2179

DATE MAILED: 08/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/487,274

Applicant(s)

RZEPKOWSKI ET AL.

Examiner

X L. Bautista

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Prosecution Reopened

1. Prosecution has been reopened for it has been decided a U.S.C. 103 rejection is necessary for claims 1, 2, 4-14, 16-18, 20-30, and 32-39. Reference Barrett still applies and a new non-final rejection is therefore made based on Barrett and new reference Nagasaka.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1, 2, 4-14, 16-18, 20-30, and 32-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Barrett* (US 5,260,805) and *Nagasaka* (US 6,505,252 B1).**

Claims 1 and 17:

Barrett discloses an image capture control system having a controller that provides control parameters; the device is able to capture an image from an original document that provides an original image based on the provided parameters; a

display device, and a graphical user interface including a preview pane portion (print window) that visually indicates features of a resulting captured image that will result upon generating a captured image (abstract; col. 8, lines 12-38; fig. 12). Barrett does not teach a visual indication of features of a resulting captured image without the device capturing the captured image. However, Nagasaka discloses a technique of transferring print data from a first computer to a second computer in a network. Nagasaka teaches a user interface for inputting print settings information. Nagasaka illustrates in figure 5, a window for paper settings for allowing a user to input details of print settings information on a display screen, including paper size and orientation. Nagasaka shows a page setup preview window (fig. 5), and a visual indication of settings including orientation, without having to capture the original document (col. 1, lines 28-44, 55-58; col. 2, lines 1-24, 54-67; col. 3, lines 8-19; col. 5, lines 52-67; col. 6, lines 1-9, 44-65; col. 8, lines 12-35; abstract). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Barrett's user interface to include Nagasaka's visual indication of features or settings without pre-scanning an original document because the visual indication provides users with a graphic representation of selected parameters that quickly tell users whether the selections are proper or a mistake has been made and how the outcome will be without having to scan or print the document to see the final result.

Claims 2, 4, 18, and 20:

See claim 1. Barrett teaches a crop selection control (fig. 7, 152-2). Fig. 11 displays a conflict message 247 advising the user to decrease the % or crop the document (col. 8, lines 41-43); to remove the conflict, the operator decides to crop the document by selecting Crop 250 (fig. 7); this displays a document window 252 having a document image 253. Images can be cropped by actuating icons 258, 260, 262, 264 (fig. 15; col. 9, lines 15-43).

Claims 5, 21, 34, 36, and 38:

See claim 2. Barrett teaches a selection portion usable to define dimensions of a document (fig. 12, window 245). The user can crop the document by selecting crop icons 258, 260, 262, and 264 (col. 8, lines 33-43; col. 9, lines 15-43).

Claims 6, 22, 35, 37, and 39:

See claim 5. Barrett teaches a selection portion that is used to change the dimensions of the crop control (fig. 15; col. 9, lines 36-42).

Claims 7, 12, 13, 23, 28, and 29:

See claim 5. Barrett teaches a scale selection control (system image size 245) that indicates the selected dimensions and a preview pane portion 240 that visually indicates the scaled document image 200. Print window 240 shows a scale-to-portion that defines scale-to parameter factors defining a relationship between dimensions of the captured image and dimensions of a selected portion of the image

(fig. 12, elements 200, 240, 242, 244).

Claims 8 and 24:

See claim 6. Barrett teaches that the dimensions of the crop selection control are alterable and altering the dimensions of the crop selection control (fig. 15, elements 259, 261, 263, 265) causes the dimensions of the scale selection control to be altered (fig. 15; elements 200, 240; col. 9, lines 52-60).

Claims 9, 11, 25, and 27:

See claim 8. Barrett/Nagasaka teaches a preview pane portion having a scale selection control that visually indicates scaled dimensions of the captured image (Barrett: fig. 15, elements 200, 240, 245).

Claims 10 and 26:

See claims 7 and 9. Barrett teaches that whenever the document is cropped the size of the document also changes (linked) and both changes are displayed (col. 9, lines 52-60; fig. 15, windows 240 and 252).

Claims 14, 16, 30 and 32:

See claim 1. Barrett/Nagasaka teaches a document image 200 that shows the size and orientation of the captured image relative to an original image (Barrett: fig. 12, elements 200, 240, 242, 244; Nagasaka: figs. 4 and 5).

Claim 33:

See claim 14. Barrett/Nagasaka teaches a preview window having an image

quality profile mimic and an image orientation mimic (Barrett: figs. 12-15; Nagasaka: figs. 4 and 5). Barrett teaches a processor 25 that provides enhancements and changes to the image signal such as cropping and scaling (col. 4, lines 10-16).

4. Claims 3 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Barrett/Nagasaka* and *Arney et al* (US 6,298,172 B1).

Claims 3 and 19:

Barrett does not teach a framed portion of the original image. However, Arney discloses a method for performing image acquisition with preview of image (abstract; col. 1, lines 10-14; col. 2, lines 13-34). A preview display screen 10 is provided so the user can determine whether the workpiece is positioned in the desired orientation, shifts upon closing the cover 56 (col. 4, lines 46-49, 57-59), for anticipating output related to the selection of control features, for example, brightness, contrast, or focus control (col. 5, lines 18-21). The preview display screen 10 instructs the user that the workpiece is not properly oriented, and frame-image 14 instructs that the paper's orientation should be changed (col. 7, lines 34-46). In figs. 2D and 2E, the platen-select area P is reduced as compared with the situation reflected by figs. 2A-2C; the frame-image 14 has been reduced to correspond to the smaller platen-select area. The display screen (figs. 2D and 2E)

10 instructs the user that edge portions 65a, 65b, 65c (fig. 2D), and edge portions 66a, 66b, 66c, and 66d (fig. 2E) (shown with cross-hatching) will not be situated within the platen-select area and will not be copied to the article 80 (col. 7, lines 54-66). Therefore, it would have been obvious to one ordinarily skilled in the art at the time the invention was made to modify Barrett to include Arney's framed portion because the user can see the position of the document, and change the orientation if necessary prior to operating the device.

5. **Claims 15 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Barrett/Nagasaka* and *Pavley et al* (US 6,317,141 B1).**

Claims 15 and 31:

Barrett teaches an image quality icon (fig. 7; fig. 15) but does not teach a preview pane portion having an image quality profile mimic that visually indicates a currently selected image quality profile to be used when generating the captured image from the original image. However, Pavley discloses a method for editing media objects in a digital imaging device including icons that are used to indicate a media type (abstract; col. 6, lines 50-55). Pavley teaches a review mode screen having object cells 300 that represent media objects; each object cell includes an image area 304 and an icon/information 306 that displays one or more graphical icons indicating to the user what media type is associated with the media object

displayed in the image area (col. 7, lines 38-67; col. 8, lines 1-6; figs. 4A, 6-8). Thus, it would have been obvious to one having ordinary skill in the art at the time of invention to include Pavley's thumbnails in Barrett's preview display screen because they provide information at a glance and graphically indicate a selection.

Conclusion

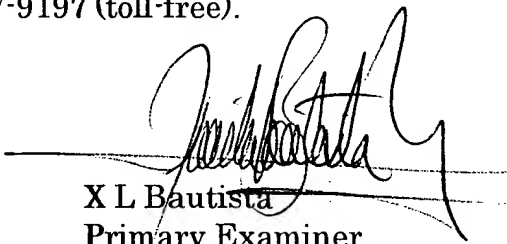
6. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach a method of displaying preview data and visual indication without scanning an original document (Rousseau: ('302) abstract; col. 2, lines 38-67; col. 3, lines 1-12, 44-67; col. 4, lines 1-10, 22-32); and a context sensitive user interface help feature that displays a mock-up representation of a preview of a page to be printed per the summary of settings selected by a user (Livingston: col. 3, lines 39-65); a user interface for image manipulation having controls for setting or editing parameters such as crop, mask, etc., and displaying visual representations of selected parameters (Mackinlay: abstract; figs. 1-13; col. 2, lines 23-67; col. 3, lines 1-60)

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to X L. Bautista whose telephone number is (571)

272-4132. The examiner can normally be reached on Monday-Thursday 8:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



X L Bautista
Primary Examiner
Art Unit 2179

xlb
July 26, 2005